

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kenneth Steven Daywitt, and others
similarly situated,

Case No. 16-cv-2541 (WMW/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Minnesota Department of Human Services,
Minnesota Sex Offender Program, Emily
Johnson Piper, Jannine Hebert, Peter
Puffer, Jim Berg, Jerry Fjerkenstad, and
Katherine Lockie, in their individual and
official capacities,

Defendants.

This matter is before the Court on the June 6, 2017 Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois. (Dkt. 38.) No objections to the R&R were filed. In the absence of timely objections, the Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error and adopts the R&R.

ORDER

Based on the R&R and all the files, records and proceedings herein, **IT IS
HEREBY ORDERED:**

1. The June 6, 2017 R&R, (Dkt. 38), is **ADOPTED**.

2. Defendants' motion to dismiss, (Dkt. 28), is **DENIED**.

Dated: August 8, 2017

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge